

**TESTIMONY IN SUPPORT OF SB 323**

**Juvenile Court - Jurisdiction (Youth Charging Reform Act)**

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 2, 2026

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The University of Baltimore School of Law’s Center for Criminal Justice Reform (“Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. **The Center strongly supports Senate Bill 323.**

Maryland is a national outlier in its practice of automatically charging children in adult court. Maryland sends more young people per capita to be tried as adults than every other state but Alabama.<sup>1</sup> This extreme and outdated practice has endured for so long that Maryland is increasingly known for this shameful outlier status, particularly given its extreme racial disparities. Nearly 80% of the youth charged in adult court in Maryland are Black.<sup>2</sup>

This policy is not only inequitable; it is inefficient and costly, which is particularly troubling in these fiscally challenging times. The status quo costs the state over \$20 million annually, and a significant portion of this is spent unnecessarily burdening the legal system and exacerbating the trauma experienced by impacted youth and their families. 87% percent of these cases do not end up staying in adult court. The majority return to juvenile court or are dismissed, but only after lengthy delays and burdensome processes that undermine desired outcomes for public safety, recidivism and for youth.<sup>3</sup>

The current autocharging policy worsens outcomes in a number of ways. Often this process creates extended periods of pretrial incarceration of youth in adult facilities and uncertainty for everyone involved. Research shows that youth charged as adults are at increased

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<sup>1</sup> Marcy Mistrett, *National Trends in Charging Children as Adults*, The Sentencing Project, (July 20, 2021)

<https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

<sup>2</sup> Human Rights for Kids, *Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated As Adults in Maryland*, (Nov. 20, 2024)

<https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>

<sup>3</sup> Commission on Juvenile Justice Reform, Emerging & Best Practices, *Maryland’s JJDP A Compliance Crisis: Children in Adult Detention*, (Oct. 23, 2025)

<https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP A-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

risk of physical assault, sexual assault and isolation, which heightens the risk of future offending. Of those charged as adults, 80% are placed in solitary confinement at some point, and over 80% report abuse from staff or other incarcerated individuals. Adult charging results in increased physical violence and sexual violence in a system well known for its poor conditions and insufficiency of resources for even the adult population, much less the youth it is not designed for. Notwithstanding the well-documented trauma histories of nearly all children automatically charged in adult courts, and the well-documented additional traumas caused and compounded by this process, only 28.2% of youth received trauma treatment.<sup>4</sup>

**We can and must do better.** Since 2000, half of all states have narrowed or eliminated the automatic charging of children in adult court. For 14 years in Maryland, youth justice advocates, researchers, criminal justice reformers, judges, public defenders and many other constituencies have come to the Maryland General Assembly calling for change. Over a decade of study and recommendations on this issue specifically in Maryland, across three gubernatorial commissions and now the Commission on Juvenile Justice Reform, Emerging & Best Practices established by law in 2024, have recommended that the state reform its ill-conceived approach to autocharging. In its recent report, *Maryland's JJDP A Compliance Crisis: Children in Adult Detention*, a bipartisan and diverse commission highlighted the urgent necessity of addressing this issue.<sup>5</sup>

Unlike some of the prior efforts to end or severely limit this extreme practice in Maryland, SB 323 is a compromise bill. It leaves the most serious offenses automatically subject to adult court jurisdiction, including first-degree murder, rape and carjacking. It values judicial discretion and individualized assessment, allowing a judge to determine if and when cases should be tried in adult court.

This is not just about correcting a persistent injustice in Maryland's system and advancing the public safety interests of our state. It is important to note the ways in which it specifically supports the interests of crime victims. Unnecessarily subjecting this huge percentage of children and cases that do not belong there to the adult system worsens outcomes and rates of recidivism, driving future victimization and harm. It also deprives resources from victims. The millions of dollars wasted as a result of autocharging across 33 offenses is a missed opportunity to invest these resources elsewhere to advance the interests of victims and communities. This includes critically under-funded areas spanning crime victim services and support, youth programming, treatment and education, and community violence intervention programs, including street outreach, hospital based violence intervention programs (HVIPS), and other violence prevention work.

Our work at the Center devoted to supporting crime victims lays these realities and misalignment of resources bare. We recently launched the Crime Survivor Voices Project, dedicated to elevating the data, perspectives and lived experiences of diverse crime victims in order to inform more effective and thoughtful public safety policy. This project, among many other aspects of our work seeks to challenge the oversimplification and politicization of survivor narratives which too often distracts policymakers, media and the public from effective public

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<sup>4</sup> *Supra* note 2, at 19.

<sup>5</sup> *Id.*

safety strategies, and from what many crime victims themselves are asking for, especially those in marginalized communities bearing the brunt of crime.

The fact that all crime victims deserve accountability for the harm done to them does not mean that all victims see accountability and justice in the same way, or have the same priorities. Research demonstrates this diversity of victim and survivor perspectives, including the large percentage of crime victims interested in more than simply punishment, and for whom healing and accountability require much more. Survey data from the Alliance for Safety and Justice shed more light on the views of victims. Their recent report found that victims overwhelmingly prefer justice approaches that prioritize rehabilitation over punishment, and strongly prefer investments in crime prevention and treatment to more spending on prisons. Most victims who were surveyed prefer more spending on prevention and rehabilitation to prison sentences that keep people incarcerated as long as possible.<sup>6</sup>

In 2021, the Public Safety Partnership (PSP), a U.S. Department of Justice initiative providing data-driven support and technical assistance to cities to strengthen public safety and improve their responses to violence, conducted a Victim Services Capacity Assessment for the City of Baltimore. A 90+ page report resulting from this rigorous assessment detailed numerous barriers to services and discrimination faced by victims throughout the city, and in particular Black youth victims and victims of gun violence.<sup>7</sup> Many victims experience being stigmatized, ignored, and retraumatized by a fragmented and overly punitive system incapable of meeting their needs. Many service providers feel unequipped to advance healing and prevention and to more holistically address harm. Our center director co-authored this report which details these failures of the system to provide needed services and dignity for victims, and to interrupt cycles of harm, and which result in increased risk of that victim carrying a gun for protection, harming someone else, or otherwise ending up as a defendant in adult court.

These findings, like much of the other sources of data and reasoning above, further underscore why SB 323 is necessary. Peer reviewed research recently published also demonstrates that justice-involved youth often have extensive trauma histories, and that trauma-informed approaches improve justice and mental health outcomes.<sup>8</sup>

Maryland can take a huge step forward this session in advancing these goals, and the healing, dignity and fairness that all victims, young people and communities deserve. Keeping youth in juvenile court ensures that trauma and developmental considerations are applied consistently, creating a more fair and effective system for all. **For these reasons, we urge a favorable report on SB 323.**

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<sup>6</sup> The Right to Heal and a New Approach to Public Safety: A National Crime Victims' Platform", p. 9, <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2024/09/RTH24Summary.pdf>.

<sup>7</sup> Warnken et al., Victim Services Capacity Assessment Report, USDOJ National Public Safety Partnership, July 2021.

<sup>8</sup> Carolyn M. Boyd, Andrew Day, Catia G. Malvaso, *The Outcomes of Trauma-Informed Practice in Youth Justice: An Umbrella Review*, (Apr. 22, 2024) <https://link.springer.com/content/pdf/10.1007/s40653-024-00634-5.pdf>.